

**November 14, 2019**

**VIA ELECTRONIC FILING**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
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**Re: Notice of Ex Parte Meeting, GN Docket No. 18-122**

Dear Ms. Dortch:

QVC, Inc. and HSN, Inc. (together, “QVC/HSN”) submit this notice of ex parte meeting pursuant to Section 1.1206 of the rules of the Federal Communications Commission (“FCC” or “Commission”).<sup>1</sup> On November 12, 2019, James Chin of QVC/HSN, Martin L. Stern and Robert A. Silverman of Womble Bond Dickinson (US), LLP, counsel to QVC/HSN, met with Commissioner Michael O’Rielly and Erin McGrath, Legal Advisor to Commissioner O’Rielly, to discuss key principles that QVC/HSN believe should guide the Commission’s actions in reallocating C-band spectrum for 5G use.

First, QVC/HSN emphasized that *ensuring uncompromised, uninterrupted and unimpaired programming distribution as a protected incumbent service must remain a top Commission priority*. This point has been undisputed throughout the inquiry and rulemaking proceedings and recently was cited before Congress as one of the Commission’s goals for the C-band proceeding to ensure that the services that are currently using the C-band spectrum will continue to be delivered to the American public. For QVC/HSN, airtime is money, as our video programming channels are distributed via cable, satellite, MVPD platforms, and over-the-air broadcast stations to bring retail services to over 100 million American homes. Continued access to reliable and affordable video distribution services provided over the C-band is essential to QVC/HSN’s business and customers. Though fiber technology may prove viable for delivering content in the long-term, QVC/HSN opposes a mandated transition to fiber in the context of an accelerated spectrum transition.

Second, QVC/HSN noted that *clearing timelines must be grounded in engineering expertise and experience rather than arbitrary deadlines*. Specifically, the Commission must ensure that clearing timelines operate as *targets* rather than fixed deadlines. Before implementing 5G on reallocated C-band spectrum in a particular geographic area, the Commission’s transition mechanism must ensure continued operations at “five nines” reliability to each MVPD and broadcaster in that area for all programming services subject to reallocation free from interference from new 5G services. Until such time, programmers must have the continued ability to provide, and MVPDs and broadcasters must have the continued ability to receive, content via existing C-band allocations.

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<sup>1</sup> 47 C.F.R. § 1.1206.



Third, QVC/HSN urged that a *key condition of any transition plan is the active participation and cooperation of satellite operators*, particularly as a transition facilitator bound by express, agreed commitments to incumbent C-band stakeholders, backed by Commission enforcement mechanisms. Satellite operators are integral to C-band programming delivery today and remain absolutely necessary for the implementation of the foregoing principles and the continued viability of the remaining C-band spectrum for undiminished and interference-free programming distribution in the foreseeable future. Consistent with our comments of record, QVC/HSN maintain that the transition plan must include mechanisms, secured by enforceable commitments, for the provision of additional satellite capacity by operators in the reduced C-band footprint, the relocation of displaced C-band customers to different transponders, associated required technology upgrades, and required technical protections from 5G operations. QVC/HSN also maintain that the reimbursable clearing costs of these transition elements should be clearly articulated. These commitments and cost reimbursement processes can be timely and sufficiently established only by ensuring that satellite operators are included as active C-band transition participants, and the failure of any auction or transition approach to meet these essential criteria should disqualify such an approach.

QVC/HSN are especially concerned that recent pressure to adopt a public auction mechanism over a market-based approach could result in the Commission undermining its own ability to ensure satellite operator participation and cooperation, rendering QVC/HSN's and other content providers' programming delivery unprotected. Without satellite operator involvement, QVC/HSN would face the untenable and unpredictable prospect of navigating a disjointed C-band transition with no provision or mechanism for the additional satellite capacity and transponder migrations necessary for continued C-band satellite operations in the reduced band, as well as the impossible challenge of simultaneously coordinating, together with its fellow programmers, with hundreds of earth station operators and cable MSOs, broadcasters and others, without a knowledgeable facilitator or cohesive process to manage equipment installations and transition cost reimbursements. At the same time, this would completely undermine the Commission's goal in this proceeding, as an unmanaged C-band transition would likely complicate and delay the desired 5G deployments that drive this proceeding.

QVC/HSN remain convinced, as we explained in our meeting, that a clearing target of 200 MHz as proposed by C-Band Alliance ("CBA") last Spring,<sup>2</sup> and the associated customer commitments of CBA backed-up by Commission enforcement, provide the clearest path for maintaining unimpaired and uninterrupted content distribution via the reallocated C-Band spectrum and the quickest transition to 5G in the band. At the same time, to the extent the Commission is considering a move to the higher clearing amount as recently proposed by CBA,<sup>3</sup> the Commission must ensure that the above programmer principles are likewise met by the new plan, including the adoption of enforceable customer commitments from CBA members, backed by Commission enforcement with respect to satellite operators and new 5G users in the band.

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<sup>2</sup> See *C-Band Alliance Transition Implementation Process*, C-Band Alliance, filed as attachment to Letter from Jennifer D. Hindin, Counsel for the C-Band Alliance, to Marlene H. Dortch, Secretary, FCC (filed Apr. 9, 2019).

<sup>3</sup> See *Ex Parte Submission*, C-Band Alliance, Letter from Bill Tolpegin, CEO of the C-Band Alliance, to Marlene H. Dortch, Secretary, FCC (filed Oct. 28, 2019).



We remain hopeful that the Commission will not compromise its goal of ensuring that C-band delivered content will continue to be delivered to the American people. QVC/HSN looks forward to further engagement with the Commission and C-band stakeholders.

Respectfully submitted,

**QVC, INC. and HSN, INC.**

By: /s/ Martin L. Stern

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cc: Michael O'Rielly  
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